

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

JOHN MCALLISTER,	)	Civil No. CV 04 00625JMS BMK
	)	
Plaintiff,	)	DECLARATION OF JOHN T. KOMEIJI
	)	
vs.	)	
	)	
UNIVERSITY OF HAWAII;	)	
KAPIOLANI COMMUNITY COLLEGE;	)	
JANE CALFEE, Instructor at	)	
Kapiolani Community College;	)	
RICHARD DOE, Academic Counselor	)	
at Kapiolani Community College;	)	
JILL MAGNAGON, Director of	)	
Academic Counseling at	)	
Kapiolani Community College;	)	
MONA LEE, Dean of Student	)	
Services at Kapiolani Community	)	
College,	)	
	)	
Defendants.	)	
	)	
	)	

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**DECLARATION OF JOHN T. KOMEIJI**

JOHN T. KOMEIJI, declares as follows:

1. I am an attorney licensed to practice law in all the courts of the State of Hawaii and that he is an attorney with the law firm of WATANABE ING & KOMEIJI LLP, attorneys for Defendant JANE CALFEE ("Defendant CALFEE") in the above-captioned matter.

2. I make this Declaration in support of the foregoing Motion to Withdraw as Counsel and is based upon my personal knowledge.

3. Beginning on June 9, 2006, I received communications from Defendant CALFEE via electronic mail ("email") and had a subsequent exchange of communications with Defendant CALFEE. After considering the communications with Defendant CALFEE, I determined that WATANABE ING & KOMEIJI LLP could no longer represent Defendant CALFEE in this case.

4. I informed Defendant CALFEE that WATANABE ING & KOMEIJI LLP would no longer represent her in this case and that WATANABE ING & KOMEIJI would be withdrawing as Defendant CALFEE's attorneys. I also requested Defendant CALFEE to inform me of her choice of substitute counsel and that she select her new counsel as soon as possible as trial in this matter is scheduled for August 8, 2006. To date, Defendant CALFEE has not informed me of her choice of substitute counsel.

5. I cannot disclose the specific reasons for withdrawal because such a disclosure would result in confidential information being divulged to the other parties in this matter and thus would result in a violation the Rules of Professional Conduct. If the Court so requests, I can submit a confidential ex parte communication to the Court detailing the specific reasons for the withdrawal.

6. The reasons for withdrawal are not based upon any of the circumstances or situations set forth in Rules 1.16(b) (1) through 1.16(b) (5) of the Hawaii Rules of Professional Conduct.

Rather, the withdrawal is based upon the existence of good cause pursuant to LR Rule 83.6(b) of the Local Rules of Practice for the United States District Court for the District of Hawaii, and Rule 1.16(b) (6) of the Hawaii Rules of Professional Conduct.

7. The address, phone number and email address for Defendant CALFEE are as follows:

Jane Calfee  
94-561 Makohilani Street, #1061  
Mililani, Hawaii 96789  
Telephone No.: 808/623-4967  
Email address: [jane.calfee@gmail.com](mailto:jane.calfee@gmail.com)

8. Defendant CALFEE has been informed that upon the withdrawal of WATANABE ING & KOMEIJI LLP as her counsel in this case that she will be responsible for complying with all court orders and time limitations established by any applicable rules pursuant to LR 83.6(b) of the Local Rules of Practice for the United States District Court for the District of Hawaii.

9. That the law firm of WATANABE ING & KOMEIJI LLP and I have and continue to take all steps and precautions reasonably necessary to ensure that the withdrawal can be accomplished without material adverse effect on interests of Defendant CALFEE including, but not limited to, complying with all current court orders, deadlines and filings.

10. That all discovery has been completed for this case.

11. That based on the foregoing, I believe and therefore allege that there is good cause for withdrawal of myself and

WATANABE ING & KOMEIJI LLP as counsel for Defendant CALFEE from the above-captioned lawsuit pursuant to LR 83.6(b) of the Local Rules of Practice for the United States District Court for the District of Hawaii and Rule 1.16(b)(6) of the Hawaii Rules of Professional Conduct.

12. That based on the foregoing, I further believe and allege that there is sufficient time for Defendant CALFEE to obtain new counsel, and that the withdrawal can be accomplished without material adverse effect on the interests of Defendant CALFEE.

13. I will forward a copy of this Motion To Withdraw As Counsel to Defendant CALFEE by certified mail.

14. I declare under penalty of law that the foregoing is true and correct.

/s/ John T. Komeiji  
**JOHN T. KOMEIJI**